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UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

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07/03/2013
THOMAS G. BRUTON
CLERK, U.S. DISTRICT COURT

Jamell Olmstead Malone,

**Plaintiff(s),**

**vs.**

Cook County Sheriff Department,

**Defendant(s).**

13CV4845
Judge Kocoras
Mag. Judge Cox

## COMPLAINT FOR VIOLATION OF CONSTITUTIONAL RIGHTS

***This form complaint is designed to help you, as a* pro se *plaintiff, state your case in a clear manner. Please read the directions and the numbered paragraphs carefully. Some paragraphs may not apply to you. You may cross out paragraphs that do not apply to you. All references to "plaintiff" and "defendant" are stated in the singular but will apply to more than one plaintiff or defendant if that is the nature of the case.***

1. This is a claim for violation of plaintiff's civil rights as protected by the Constitution and laws of the United States under 42 U.S.C. §§ 1983, 1985, and 1986.

2. The court has jurisdiction under 28 U.S.C. §§ 1343 and 1367.

3. Plaintiff's full name is Jamell Olmstead Malone.

***If there are additional plaintiffs, fill in the above information as to the first-named plaintiff and complete the information for each additional plaintiff on an extra sheet.***

4. Defendant, Sgt Cintron, Lt Pollums, medical Staff, psychiatrist, and all other sheriffs, is
(name, badge number if known)

☑ an officer or official employed by Cook County Sheriff Department
(department or agency of government)

_______________________________________________ or

☐ an individual not employed by a governmental entity.

***If there are additional defendants, fill in the above information as to the first-named defendant and complete the information for each additional defendant on an extra sheet.***

5. The municipality, township or county under whose authority defendant officer or official acted is County Of Cook. As to plaintiff's federal constitutional claims, the municipality, township or county is a defendant only if custom or policy allegations are made at paragraph 7 below.

6. On or about 7/10/12, at approximately 1500-3:00 ☐ a.m. ☑ p.m.
(month,day, year) 1825 hrs or 6:25 pm
plaintiff was present in the municipality (or unincorporated area) of City of Chicago, in the County of Cook, State of Illinois, at 26th California,
(identify location as precisely as possible)

when defendant violated plaintiff's civil rights as follows ***(Place X in each box that applies)***:

☑ arrested or seized plaintiff without probable cause to believe that plaintiff had committed, was committing or was about to commit a crime;
☑ searched plaintiff or his property without a warrant and without reasonable cause;
☑ used excessive force upon plaintiff;
☑ failed to intervene to protect plaintiff from violation of plaintiff's civil rights by one or more other defendants;
☑ failed to provide plaintiff with needed medical care;
☑ conspired together to violate one or more of plaintiff's civil rights;
☐ Other:

_______________________________________________

_______________________________________________

______________________________________________________________________.

7. Defendant officer or official acted pursuant to a custom or policy of defendant municipality, county or township, which custom or policy is the following: (***Leave blank if no custom or policy is alleged***):______________________________________________

______________________________________________________________________

______________________________________________________________________

______________________________________________________________________.

8. Plaintiff was charged with one or more crimes, specifically:

Battery against Sgt Cintron.

9. (***Place an X in the box that applies. If none applies, you may describe the criminal proceedings under "Other"***) The criminal proceedings

☐ are still pending.

☐ were terminated in favor of plaintiff in a manner indicating plaintiff was innocent.[1]

☐ Plaintiff was found guilty of one or more charges because defendant deprived me of a fair trial as follows______________________________________________

______________________________________________________________________.

☑ Other: released after a false hearing and never reported to a judge.

[1]Examples of termination in favor of the plaintiff in a manner indicating plaintiff was innocent may include a judgment of not guilty, reversal of a conviction on direct appeal, expungement of the conviction, a voluntary dismissal (SOL) by the prosecutor, or a *nolle prosequi* order.

10. Plaintiff further alleges as follows: (***Describe what happened that you believe supports your claims. To the extent possible, be specific as to your own actions and the actions of each defendant.***)

I was falsely arrested, falsely accused, denied food with my medicine, medically neglected, and abused physically and mentally by Cook County Sheriffs in the Cook County Jail.

11. Defendant acted knowingly, intentionally, willfully and maliciously. yes

12. As a result of defendant's conduct, plaintiff was injured as follows:

13. Plaintiff asks that the case be tried by a jury. ☑ Yes ☐ No

14. Plaintiff also claims violation of rights that may be protected by the laws of Illinois, such as false arrest, assault, battery, false imprisonment, malicious prosecution, conspiracy, and/or any other claim that may be supported by the allegations of this complaint.

**WHEREFORE,** plaintiff asks for the following relief:

A. Damages to compensate for all bodily harm, emotional harm, pain and suffering, loss of income, loss of enjoyment of life, property damage and any other injuries inflicted by defendant;

B. ☐ ***(Place X in box if you are seeking punitive damages.)*** Punitive damages against the individual defendant; and

C. Such injunctive, declaratory, or other relief as may be appropriate, including attorney's fees and reasonable expenses as authorized by 42 U.S.C. § 1988.

Plaintiff's signature: Jamell Olmstead Malone

Plaintiff's name ***(print clearly or type)***: Jamell O Imstead Malone

Plaintiff's mailing address: 5401 S Ellis Apt 19

City Chicago **State** IL ZIP 60615

Plaintiff's telephone number: (312) 479-4226.

Plaintiff's email address ***(if you prefer to be contacted by email)***:____________

15. Plaintiff has previously filed a case in this district. ☑ Yes ☐ No

***If yes, please list the cases below.***

***Any additional plaintiffs must sign the complaint and provide the same information as the first plaintiff. An additional signature page may be added.***

**UNITED STATES DISTRICT COURT**

**FOR THE NORTHERN DISTRICT OF ILLINOIS**

**EASTERN DIVISION**

DECLARATION COMPLAINT OF CONSTITUTIONAL RIGHTS AND VIOLATIONS

On Monday, July 9, 2012, at approximately 7: 40 p.m., I, Jamell Malone was arrested by Chicago Police for domestic battery. While in custody at the Cook County jail, I was sick from not eating and in severe back and leg pain. I was physically attacked by Sgt Cintron and manhandled viciously by other sheriffs.

My vision became blurry and I felt dizzy so I went to the Cook County jail hospital section to tell them I feel like Im about to black out. After the last time trying, I felt like I wasn't going to make it , so I dropped to the floor breathing rapidly, sweating, and feeling hot. This condition that I get at times is syncope from past experience of going through this. Although my physical capacitance was not stable, I was mentally sound. I heard an inmate say a dude is on the ground and I heard about two minutes later an inmate cook county sheriff come and say, "get up, get your ass up". While breathing to grasp for air, I was handcuffed on the floor and dragged. He aggressively made sure I hit my head on corners of room. After he stopped dragging me, I ended up hearing a female sheriff being concerned for a moment. I heard the male officer saying there aint nothing wrong with him. She proceeded to assist me but soon join in with him about getting my ass up and they will take my green nike shoes and give it away. I finally slightly open my eyes in a dark spaced area with both of them standing over me. I was taken to a cell close by the inventory station by the medical section. In the cell I laid on the floor cause I was still dizzy.

I was given medication about 40 minutes later with no food. I felt nausea and my stomach had sharp pains going through it. I was declined food by the sheriffs after I told them I didn't eat. I told them I gave away my food when we were at 555 West Harrison because Chicago Police told me that they would let me out on I-bond at 12 and would be free to go home.

To the best of my knowledge, about 2-3hours later, at 1825 hrs, I had an exchange of words with a female deputy sheriff while getting fingerprinting. She was telling me to put my finger on the ink and I said which one. When placing the wrong finger on the ink, she grabbed my other finger forcefully. I told her you don't have to grab my finger like that. After a few exchanges of words I move along in a line to make a phone call.

While waiting in the line, Seargeant Cintron pointed in my direction and told me to step out of line. I did as I was ordered. He asked,"Why are you disrespecting my female officer?" I responded, "I didn't disrespect her she disrespected me by pulling my finger"? He said, "You're going to obey her and me!" He told me that I'm in here cause I am a criminal, but I told him that

I am innocent until proven guilty. He then came from behind a enclosed counter and got in my face to argue. While arguing with him about standing up being a man, he ordered me to turn around and put my right hand behind my back. I stop arguing and turned around. Placing my right hand behind my back, he bent my wrist upwards in a martial arts form to break or hurt my wrist. With intense pain driven in my forearm, I turned around and tried to stopped him. He then charged and rushed me to a table swinging. I defensively tried to push and get him off of me but somehow other sheriffs came and lift me up in the air and slammed my fragile 128 pound body on my back. I was handcuffed on the ground and forced in the medical area.

The hospital didn't take pictures of the multiple injuries including bruises on my right leg, bruises on my right arm, laceration on my face, swollen right hand and shoulder. They treated me with alcohol, peroxide, cotton swabs, and two bandaids for cuts.Then they sent me to a psychiatrist to talk because sheriffs informed her this is the same guy who was on the ground earlier. She asked me what is going on with me today. I told her that Sgt. Cintron tried to hurt me. I stated my disability papers are in a yellow envelope and that I am on FMLA and Short Term Disability on both of my jobs for Lumbar Spinal Stenosis, as well as sick with hyperthyroidism. Shortly after I was placed in a cell with other inmates. During this time in the cell, I was called by a sheriff. We walked around the right side of the cell and turned a corner. He asked, " Would you like to tell what happened between you and Cintron and others?" I replied yes. He turned on a camera and said go ahead. I told them I never been treated like this and I would like to talk to my attorney. He turned the camera off and took me back to the cell. I was ordered out the cell about two hours later where I got bail money from my beloved great-grandmother. I was sent home with this life-changing experience.

I received a Cook County Sheriff's Inmate Disciplinary Report that is pink that I have as evidence of RICO influence. It says that I received a charge description of Category VII, code 708 battery on Sgt. Cintron, with neither of us injured, me with a refusal to sign to incriminate without due process of the law, and me being benied a right to counsel of my choice.

I was charged with battery against Sgt. Cintron on the report but I was the only getting medical attention. My multiple injuries were not reported or photographed at all by the medical section staff. No Goldenrod copy was given to me prior to the Hearing as stated on the report sheet. The Cook County Jail Sheriff's Lt. Pullums, Sgt. Cintron, Cook County Jail medical staff, as well as other officers are guilty of covering up my deprivation of natural and constitutional rights under color of state and federal law. There were no inmate witnesses or sheriffs listed on the report or during the fraudulent hearing; when their were many. The Cook County Jail medical section camera and the camera by the fingerprinting intake section shows my story with substantial evidence.

I have acquired permanent neck pains that has to be crack to relieve intense migraine pain since the attack. I sought treatment at St Bernard and Roseland hospital for anxiety attacks. The University of Chicago Hospital did a radiology on my arm and a clinic documented the injuries I suffered from Cook County Sheriff Department. I had to receive a psychiatrist for being despondent and stressed due to the attack and fighting my illnesses. My family took photos of my injuries done by Cook County Sheriffs that I have as evidenced.

Notwithstanding the domestic battery charge that was pending, I did not have a criminal background. The domestic battery charges were dismissed. I was employed through an independent agency company as a security guard for CTA before they fired me. I also worked for 5 years at a catering company as a person who sets up tables and chairs for events.

I would like a remedy for damages of 5.5 million dollars for civil and criminal violations done to me intentionally, maliciously, willfully, and wantonly by the Cook County Sheriff Department. A trial by jury that is fair would be my preference. The jury needs to decide all matters, if necessary, as well as, hearing the case before defendants try to dismiss this suit and claim or if the jury think it lacks merit. I would like a summary judgement if the defendants are found guilty of such crimes. My appearance would be Sui Juris, inpropia persona, me as my own, Jamell Olmstead Malone.

Pursuant to TITLE 28 USC 1746 (1) AND EXECUTED "without the United States", I affirm under the penalty of perjury under the laws of the United States of America that the foregoing is true and correct to the best of my knowledge.

This court has jurisdiction under 28 USC 1343 and 1367 and Constitutional laws of the United States under 42 USC 1983, 1985, and 1986.

Jamell Olmstead Malone 7/3/13